

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Valerie DE LA POTERIE et al.)	Group Art Unit: 1615
Application No.: 10/654,887)	Examiner: J. VENKAT
Filed: September 5, 2003)	
For: COMPOSITION FOR COATING KERATIN FIBERS COMPRISING A TACKY WAX)	Confirmation No.: 6631

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the U.S. patents and copending Office Action are not enclosed as they are available on PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. Accordingly, although Applicants are not representing that the cited co-pending Office Action is material to the present application and are not admitting that any of the other claims in the co-pending application are substantially similar, out of an abundance of caution, Applicants have listed the co-pending Office Action on the attached form. *See also* M.P.E.P. § 2001.06(b).

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants note that in the IDS filed January 11, 2007, in the instant application, Applicants stated that U.S. Patent Nos. 5,858,338 and 5,783,176 are believed to be related to JP-H06-9341 and JP-A-H09-132511, respectively. In co-pending Application No. 10/654,907, Applicants submitted English language Derwent abstracts of JP-H06-9341 and JP-A-H09-132511, and, therefore, submit them herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute “prior art.” If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute “prior art” under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

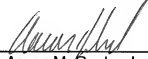
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 10, 2008

By: 

Aaron M. Raphael
Reg. No. 47,885